Attorney Docket No.:

Inventors:

Serial No.:

Filing Date:

Page 4

UT-0037

Rao and Proschel

10/025,333

December 19, 2001

### REMARKS

Claims 21 through 34 are pending in the instant patent application. Claims 21-32 have been canceled without prejudice. Claims 33 and 34 have been rejected. Claim 34 has been amended. No new matter is added by this amendment. Reconsideration is respectfully requested in light of these amendments and following remarks.

## I. Restriction Requirement

The Examiner has made final the Restriction Requirement dated October 5, 2004 with respect to Groups III, IV and V being distinct from Groups I and II. The Examiner has rejoined Group I, claim 34, and Group II, claim 33.

Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have canceled without prejudice nonelected claims 21-32. In light of the finality of this Restriction Requirement, Applicants reserve the right to file a divisional application to the canceled subject matter.

# Obviousness-type Double Patenting Rejection

Claims 33 and 34 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 15, respectively, of U.S. Patent 6,361,996. The Examiner has acknowledged that the conflicting claims are not identical

→ PTOBF

Attorney Docket No.:

UT-0037

Inventors:

Rao and Proschel

Serial No.:

10/025,333

Filing Date:

December 19, 2001

Page 5

but suggests that they are not patentably distinct based upon the difference between mammalian and rat.

Accordingly, in an earnest effort to advance the prosecution of this case, Applicants are submitting herewith a Terminal Disclaimer with respect to U.S. Patent 6,361,996.

Withdrawal of this rejection is therefore respectfully requested.

## III. Amendment to Claim 34

Claim 34 has been amended in accordance with the Examiner's suggestion to read "derived from the neural tube". No new matter is added by this amendment and its entry is respectfully requested.

#### Conclusion IV.

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

Kathleen A. Turrel

Registration No. 38,350

Date: April 5, 2005

LICATA & TYRRELL P.C. 66 E. Main Street Marlton, New Jersey 08053 (856) 810-1515

→ PTOBF

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)  Applicant(s): Rao and Mayer-Proschel			Docket No. UT-0037		
Application No. 10/025,333	Filing Date December 19, 2001	Examiner Robert Clinton Hayes	Group Art Uni 1647	it	
Invention: Generation, Characterization and Isolation of Neuroepithelial Stem Cells and Lineage  Restricted Intermediate Precursor					
the make and the short this		Terminal Dîsclaimer			
(Identify type of correspondence)					
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-872-9306 )					
A					
On April 5,					
\Dute,	,				
Kathleen A. Tyrrell					
(Typed or Printed Name of Person Signing Certificate)  Afully (Signapore)					
Note: Each paper must have its own certificate of mailing.					
•					